

**CITY OF SHERWOOD**  
**April 18, 2013**  
**STAFF REPORT**  
**DR Horton Daybreak (SUB 13-01)**

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**Submitted by:**

Brad Kilby, AICP  
Planning Manager

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|-------------------|------------------|
| Pre-App. Meeting: | November 2, 2012 |
| App. Submitted:   | January 31, 2013 |
| App. Complete:    | March 13, 2013   |
| 120-Day Deadline: | July 10, 2013    |
| Hearing Date:     | April 25, 2013   |

**Proposal:** The applicant is requesting preliminary subdivision approval for 35 or 36-lots on a 6.38 acre site, based on potential for providing open space on the underdeveloped property to the north that the applicant is attempting to purchase.

**I. BACKGROUND**

- A. Applicant:  
DR Horton  
Attn: Ryan O'Brien  
4386 SW Macadam Ave #100  
Portland, OR 97239
- Owner:  
Columbia State Bank  
17800 SE Mill Plain Blvd. #100  
Vancouver, WA 98683
- B. Location: The property is located between SW Copper Terrace and SW Elwert Road on the south side of SW Edy Road. The property addresses are 21730 and 21500 SW Elwert Road, and are identified as tax lots 300 and 500 on Washington County Assessor Map 2S130CC.
- C. Parcel Size: The subject property is approximately 277,913 square feet or about 6.38 acres.
- D. Existing Development and Site Characteristics:
- The site has an existing home. The topography of the site is relatively flat with slopes that range from 3-6%. There is a stream and associated vegetated corridor on the northwest corner of the site that has been professionally surveyed, and is identified on the existing conditions plan.
- E. Site History: The site has been owned by the Columbia State Bank. This site was brought into the Urban Growth Boundary by Metro in 2002. The City prepared the Area 59 concept plan which was adopted in 2007. The implementing codes were adopted at the same time as the Concept Plan. The properties are zoned Medium Density Residential Low (MDRL) and Medium Density Residential High (MDRH).
- F. Zoning Classification and Comprehensive Plan Designation: Approximately 2.74 net acres of the site is zoned MDRL, whereas, approximately 1.41 net acres of the site is zoned MDRH. Per section 16.12, the purpose of the MDRL zone is to provide for single-family and two-family housing, manufactured housing and other related uses with a

density of 5.6 to 8 dwelling units per acre. The purpose of the MDRH zone is to provide for single-family and two-family housing, manufactured housing, multi-family housing and other related uses with a density of 5.5 to 11 dwelling units per acre.

- G. Adjacent Zoning and Land Use: Surrounding uses include Edy Ridge Elementary School and Laurel Ridge Middle School which are both zoned Institutional Public (IP) and located east of the subject site. There are several underdeveloped lots on the north and south side of the property that are zoned MDRL and MDRH as well. A portion of the property located directly north of the subject site is zoned Neighborhood Commercial (NC). The west side of SW Elwert Road include properties located within unincorporated Washington County.
- H. Review Type: The subdivision requires a Type III review with a public hearing and decision made by a Hearings Officer per section 16.72.010.A.3. An appeal would be heard by City of Sherwood Planning Commission.
- I. Public Notice and Hearing: Notice of the application was mailed to property owners within 1,000 feet of the site, posted on the property and in five locations throughout the City on April 3, 2013. The notice was published in the April edition of the Sherwood Gazette, and again in The Tigard Times on April 18, 2013 in accordance with Section 16.72.020 of the SZCDC.
- J. Review Criteria: Review of the application will be based on the following chapters and applicable sections of the Sherwood Zoning and Community Development Code, 16.12(Residential Zoning Districts), 16.58.010 (Clear Vision), Division III Administrative Procedures, Division V (Community Design), Division VI - 16.104-16.118 (Public Improvements), Division VII - 16.120 (Subdivisions), 16.128 (Land Division Design Standards), and Division VIII (Environmental Resources).

## **II. PUBLIC COMMENTS**

Public notice was mailed, posted on the property and in five locations throughout the City on April 3, 2013. Notice was published in both the Sherwood Gazette, and the Tigard Times. Staff has received two written comments as of the date of this report.

On April 4, 2013, staff received an e-mail from Renee Irish who lives on Handley Street. Ms. Irish raised concerns about added traffic onto SW Copper Terrace. She mentioned that the added traffic would be a noise issue, safety issue, and would reportedly affect her property value. Ms. Irish's e-mail is attached to this report as Exhibit B.

On April 12, 2013, staff received an e-mail from Jennifer Hulse, Trustee, Alexander Family Credit Shelter, indicating that they are not opposed to the development, but that they had concerns with Streets "C" & "E" dead ending onto their property, and wanted to ensure that barriers would be put in place to prevent vehicles from coming onto their property. She is also requesting that a fence be put in place between the gravel roadway from Elwert that separates the development from the roadway. Finally, she is requesting that DR Horton separate all their

properties from their adjacent properties with a continuous fence. Ms. Hulse's e-mail is attached to this report as Exhibit C.

**Staff Response:** Regarding the added traffic onto SW Copper Terrace, the applicant has submitted a traffic report that has been reviewed by the City Engineer. The Engineer has recommended proposed mitigation that includes half street improvements along SW Copper Terrace, however, it should be noted that SW Copper Terrace is designated a neighborhood route that is expected to carry more traffic than local streets. None of the streets were pushed through to SW Elwert Road because of spacing concerns that could occur with future development on the property immediately north of the site. The City Engineer, and the City's traffic consultant have reviewed the traffic report, and has requested mitigation where safety concerns might arise.

Property values are dynamic, and it is rare that new development alone would be the cause of decline in property values. It certainly could be a factor, but there is no evidence to suggest that this proposed development would result in the decline of surrounding properties. Where a street dead-ends onto an adjacent property, the City always requires a barrier of some sort, and it is expected that one would be located at the terminus of any street that would dead end onto the Alexander Family property.

Finally, regarding fencing, the City does not require that the developer provide fencing except in cases where fencing might be necessary to protect a natural resource, or in the case of a conditional use where it is demonstrated that the fence is needed to mitigate any negative impacts from the use. DR Horton could choose to install the fence, but that is an item that should be negotiated between the two property owners.

### **III. AGENCY COMMENTS**

Staff sent e-notice to affected agencies on March 13, 2013. The following is a summary of the comments received. Copies of full comments are included in the record unless otherwise noted.

Sherwood Engineering Department: The Sherwood Engineering Department has provided comments that have been summarized below, are incorporated by reference into the record of this report, and are discussed throughout the report. The applicant will be responsible for satisfying all construction and design standards in the final construction design of the application.

#### Sanitary Sewer

Sanitary sewer shall be installed to accommodate project development and extended to property lines as needed to accommodate future development of adjacent parcels.

A 15-inch sanitary sewer shall be extended from SW Copper Terrace to SW Elwert Road. The cost difference between an 8-inch sanitary sewer and a 15-inch sanitary sewer will be reimbursed through credits towards City Sanitary System Development Charges or CWS Sanitary System Development Charges or a combination thereof.

#### Water

Water lines shall be installed to accommodate project development and extended to property lines as needed to accommodate future development of adjacent parcels.

A 12-inch water line shall be installed along the frontage of SW Elwert Road. The cost difference between an 8-inch water line and a 12-inch water line will be reimbursed through credits towards City Water System Development Charges.

An 8-inch water line shall connect the water line within SW Copper Terrace to the new water line within SW Elwert Road.

Any existing water wells on the site shall be decommissioned in accordance with state regulations. Documentation of DEQ acceptance of decommissioning to be supplied to the Engineering Department.

All water infrastructure shall meet the standards of the City of Sherwood and be reviewed and approved by the Sherwood Water Department (Public Works Department) prior to issuance of an Engineering Compliance Agreement.

#### Storm Sewer

Water quality treatment is required for all newly constructed impervious area and the existing impervious area east of the center line of SW Elwert Road. Water quality shall be in compliance with Clean Water Service standards.

Payment in lieu may be performed in place of constructing water quality treatment for SW Elwert Road upon acceptance by CWS.

Storm sewer shall be installed to accommodate project development and extended to property lines as needed to accommodate future development of adjacent parcels.

#### Transportation

Construct street widening improvements along west side of SW Copper Terrace (Neighborhood Street) along the length of the property to match improvements on east side of street (19 feet centerline to face of curb with 5-foot wide landscape strip and 8-foot wide sidewalk. Bulb-outs shall be 13 feet from centerline to face of curb with 11-foot wide landscape strip and 8-foot wide sidewalk. Right-of-way for SW Copper Terrace to be dedicated to create a 64-foot full width right-of-way section.

Local streets shall have a 28-foot curb to curb width with 5-foot wide landscape strips and 6-foot wide sidewalks within a 52-foot wide right-of-way.

"No Parking" signs are required on one side of all 28-foot wide local streets, on both sides of "B" street, in intersections and where turning movements prevent parking. The applicant shall be responsible for reimbursing the City for "No Parking" signs.

SW Elwert Road improvements and right-of-way dedication shall be in accordance with Washington County's Conditions of Approval as set forth in the decision dated March 28, 2013. Final design plan approval by Washington County Department of Land Use and Transportation.

New sidewalk along the frontage of SW Elwert Road street frontage shall have a width of 6-8 feet as determined by the City Engineer.

#### Grading and Erosion Control:

City policy requires that prior to any grading, a permit shall be obtained from the Building Department for all grading on the private portion of the site. In addition, an approved grading and erosion control plan is also required prior to any grading and to obtain a Storm Water Connection Permit from Clean Water Services.

The Engineering Divisions complete comments are required to be met, and are attached to this report as Exhibit F.

Washington County: Washington County provided comments related to the development that basically requires dedication and half-street improvements along SW Elwert Road. Their comments are incorporated into the record for the proposed subdivision and recommended conditions of approval are incorporated into this staff report. Their comments are attached to this report as Exhibit G.

Clean Water Services: Clean Water Services provided comments on the proposal that require a Storm Water Connection Permit Authorization. Their comments are attached to this report as Exhibit E.

Tualatin Valley Fire and Rescue: Tualatin Valley Fire and Rescue provided comments listing the minimum requirements for fire protection. Their comments have been incorporated into the record, and the applicant will be required to satisfy their minimum standards for fire protection in designing and constructing the subdivision. Their comments are attached to this report as Exhibit D.

Kinder Morgan Energy, ODOT, Pride Disposal (asked a clarifying question, but did not provide any comments), Tualatin Valley Water District, NW Natural Gas, and Portland General Electric were all provided with an opportunity to comment, but provided no comments as of the date of this staff report.

#### **IV. PRELIMINARY PLAT– REQUIRED FINDINGS (SECTION 16.120)**

- A. Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.**

**FINDING:** As proposed, the applicant will be constructing half-street improvements to both SW Elwert Street, as well as, SW Copper Terrace. In addition, the applicant has proposed to construct all internal streets to comply with widths, alignments, grades and other standards. The applicant did not request a modification to the streets or road patterns with this application. This standard is met.

- B. Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.**

**FINDING:** This criterion is not applicable as the applicant has not proposed any private roads or streets.

- C. The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).**

**FINDING:** Where applicable, this standard is met as discussed in Divisions IV (Planning Procedures), VI (Public Infrastructure) and VII (Environmental Resources) of this report. Section IX (Historic Resources) is not addressed as it is not applicable.

- D. Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.**

**FINDING:** As discussed in sections 16.110 – 16.118 of this report there are adequate services to support the proposed subdivision. This standard is met.

- E. Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.**

The property owner only owns the property which is under review. The subdivision will result in the creation of 35 or 36 new lots which may be sold to different property owners. Although, the property owner does not own the undeveloped piece of properties to the north and south, the proposed alignment of the internal streets are consistent with the alignment of streets that would be necessary for future development on those adjacent underdeveloped sites. The property to the east is already developed with an elementary and middle school.

**FINDING:** This standard is met as described above.

- F. Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.**

**FINDING:** The undeveloped properties to the north and south of the subject site will have the opportunity to extend the proposed internal streets as well as develop independent access to SW Elwert Road and SW Copper Terrace. This standard is met.

- G. Tree and woodland inventories have been submitted and approved as per Section 16.142.060.**

**FINDING:** A woodland inventory has been submitted as Exhibit M to the applicants' materials, and as discussed later in this report can comply with the street tree requirement as well as the trees on private property standard as discussed in section 16.142 of this report. This standard is met.

- H. The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.**

**FINDING:** This standard is met since the plat clearly shows the proposed lot numbers, street names, easements, and dedications. The applicant has provided a preliminary plan that shows lot dimensions that are adequate in size and will allow construction of

homes while meeting the setbacks of the underlying zones. The lot dimensions are discussed in further detail later in this report. As conditioned, the plat can feasibly satisfy the requirements for the MDRL and MDRH zoning districts.

**I. A minimum of five percent (5%) open space has been provided per § 16.44.B.8 (Townhome- Standards) or §16.142.020 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.**

**FINDING:** The applicant is required to provide a minimum of approximately 9,541 square feet (5%) of open space. The applicant has proposed a minimum of 10,316 square feet in Lot 31. Tract B will be set aside for the vegetated corridor protection. The preliminary plat, Sheet 3 illustrates Lot 31 and Tract B. The proposed 10,316 square feet in Lot 31 will exceed the minimum requirement; therefore, this standard is met. It should be noted that the applicant has requested to pay a fee in lieu of the open space dedication given the sites proximity to the schools. Staff has raised this as a discussion item with senior leadership within the City, and while they would not be opposed to a fee in lieu of payment, there is no established ordinance that would currently allow for the fee in lieu of to be collected. The applicant is also proposing that they be provided the opportunity to provide a larger open space tract on one of the adjacent undeveloped parcels that they are currently negotiating for. That being said, the City is definitely in favor of consolidated open spaces that benefit the public, so if at some point such legislation is passed, or the applicant is able to obtain and improve a more suitable open space area on an adjacent lot, it may be possible for the applicant to revise the plat and formally request to pay a fee in lieu of open space or utilize Lot 31 as a future home site. The applicant will need to decide prior to recording the final plat, and has been conditioned to do so later in this report.

**V. APPLICABLE CODE PROVISIONS**

The applicable zoning district standards are identified in Chapter 16.12 below.

**A. Division II– Land Use and Development**

**The applicable provisions of Division II include: 16.12 (Medium Density Residential Low) (Medium Density Residential High) and 16.58 (Visual Clearance). Compliance with the standards in these sections is discussed below:**

**16.12.010 Purpose**

**Zoning district description**

**The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre. The MDRH zoning district provides for single-family and two family housing, manufactured housing, multi-family housing and other related uses with a density of 5.4 to 11 dwelling units per acre.**

**FINDING:** The subject property has two zoning designations. The overall site for the area is 6.13 acres, however, after the streets, public use, and environmentally constrained areas are removed, the MDRL zone is left with 2.74 acres, and the MDRH zone is left with 1.41 acres. The MDRL zone would allow

a range of 15 units up to 22 units. The MDRH zone would allow for a density range of between 8 and 15 units per acre. Combined the allowable range is between 23 and 37 units per acre. The applicant has proposed 35 - 36 lots, which does not exceed the allowable density of the zone. This criterion is satisfied .

**16.12.020    Allowed Residential Land Use**  
**Single Family Attached or Detached Dwellings**

**FINDING:** The applicant is proposing a 35 to 36-lot subdivision for single family dwellings which is a permitted use in both the medium density residential low zone and the medium density residential high zone. This standard is met.

**16.12.030.C.   Dimensional Standards**

**No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84.**

**Lot Dimensions**

**Except as otherwise provided, required minimum lot areas and dimensions shall be:**

|           |  | <b>MDRL</b>     | <b>MDRH</b>     |
|-----------|--|-----------------|-----------------|
| <b>1.</b> | <b>Lot area:</b>                         | <b>5,000 SF</b> | <b>5,000 SF</b> |
| <b>2.</b> | <b>Lot width at front property line:</b> | <b>25 feet</b>  | <b>25 feet</b>  |
| <b>3.</b> | <b>Lot width at building line:</b>       | <b>50 feet</b>  | <b>50 feet</b>  |
| <b>4.</b> | <b>Lot Depth</b>                         | <b>80 feet</b>  | <b>80 feet</b>  |

The lots meet the lot area requirements. The smallest lot, Lot 10, is 4,500 square feet while the largest lot, Lot 36, is 9,201 square feet (the area for Lot 31 is not included since it is currently designated open space). Section 16.120.020.E allows the lot sizes to be averaged as long as the average lot area is not less than what's allowed in the underlying zoning district, that no lot is less than 90% of the minimum lot size allowed within the underlying zoning district, and that the maximum lot size is not greater than 10% of the minimum lot size. The proposed average lot size is 5,157 square feet. As proposed, all 36 lots can achieve a lot width at building line at 50 feet, a building width at front property line of 25 feet and an average lot depth of 80 feet.

**FINDING:** This standard is met as discussed above.

**16.12.030.C.   Setbacks**

**Except as otherwise provided, required minimum setbacks shall be:**

|           |                    |                         |
|-----------|--------------------|-------------------------|
| <b>1.</b> | <b>Front yard:</b> | <b>Twenty (20) feet</b> |
| <b>2.</b> | <b>Side yard:</b>  | <b>Five (5) feet</b>    |



|    |                   |                   |
|----|-------------------|-------------------|
| 3. | Rear yard:        | Twenty (20) feet  |
| 4. | Corner side yard: | Fifteen (15) feet |

**FINDING:** As proposed, it appears that the setbacks can be achieved. The actual building envelopes will be reviewed when the lots are individually reviewed prior to issuance of building permits. However, the lots are large enough for the structures to meet the setbacks.

#### **16.12.030.C. Height**

**Except as otherwise provided, the maximum height shall be 30 feet or 2 stories.**

**FINDING:** At this time it is unclear how tall the homes will be. The actual height of the homes will be reviewed when the lots are individually reviewed prior to issuance of building permits.

#### **16.58.010 Clear Vision Areas**

- A. A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.
- B. A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.
- C. A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2 1/2) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.

**The following requirements shall govern clear vision areas:**

- 1. In all zones, the minimum distance shall be twenty (20) feet.
- 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five (25) feet.
- 3. Where no setbacks are required, buildings may be constructed within the clear vision area.

**FINDING:** The applicant is not proposing any new improvements that would interfere with the Clear Vision areas, and has proposed grading that will improve the sites intersection with SW Copper Terrace. Clear Vision areas do not appear to be

problematic in this development, and it is feasible for the development to comply with this standard.

## **B. Division III – Administrative Procedures**

### **16.70.020 Neighborhood Meeting**

**FINDING:** The applicant held a neighborhood meeting on the project as required by this section at the senior center on January 22, 2013. The notes and notice from the meeting are included as Exhibit I (*To the applicants' submittal*). The minutes did not disclose any information that is not being considered in this report.

### **16.72.010.A.3 Type III reviews**

**FINDING:** Section 16.72.010.A.3.c requires that applications for subdivisions between 11-50 lots be reviewed as a Type III project which is subject to consideration by the Hearings Officer. Appeals are heard by the Sherwood Planning Commission. These are not actual approval criteria, but rather directions to staff on how to process the application. All procedures have been followed consistent with this Chapter.

## **C. Division V – Community Design**

### **16.96.020 - Minimum Residential Standards**

**Minimum standards for private, on-site circulation improvements in residential developments:**

#### **16.96.020.A. Driveways**

- 1. Single-Family: One (1) driveway improved with hard surface pavement with a minimum width of ten (10) feet, not to exceed a grade of 14%. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.**

**FINDING:** It appears that each lot will be able to meet this standard when each lot is reviewed for building permits. This standard applies citywide and can be verified prior to issuance of building permits.

## **D. Division VI - Public Improvements**

### **16.106 – Transportation Facilities**

#### **16.106.120.A. Generally**

**Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. The following figure provides the depiction of the functional classification of the street network as found in the Transportation System Plan, Figure 8-1.**

The application includes frontage onto two public streets. SW Copper Terrace is under the City's jurisdiction, and SW Elwert Road is under Washington County's jurisdiction. The applicant was made aware of the requirements to improve the streets with half street improvements within the pre-application conference, and these requirements are reflected in the Engineering Divisions comments as well as the Washington County review comments. As a result of the earlier discussions the applicant has proposed to satisfy the requirement for half street improvements, has not requested a waiver to the improvements, and has illustrated the half street dedication and improvements on sheets 3 and 4 of their application.

**FINDING:** As discussed above this standard is met.

**16.106.020.B. Street Connectivity and Future Street Systems**

- 1. Future Street Systems.** The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 8-8).
- 2. Connectivity Map Required.** New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.
  - a.** A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.
  - b.** Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.
  - c.** Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.
- 3. Block Length.** For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.
- 4.** Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.
- 5.** Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.

6. **Pedestrian and Bicycle Connectivity.** Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right- of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.
7. **Exceptions.** Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:
  - a. **Physical or topographic conditions make a street or accessway connection impracticable.** Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
  - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or**
  - c. **Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.**

**FINDING:** The applicant has provided the necessary right of way to satisfy these standards, and has provided a site circulation plan that demonstrates that future development on the adjacent properties can be facilitated through the location of the proposed internal streets of this proposal. The applicant is proposing an eight foot sidewalk along SW Copper Terrace, six foot sidewalks along all interior roads, and a sidewalk along SW Elwert Road to provide pedestrian access to the site. The applicant is conditioned later in this report to provide a 6-8 wide sidewalk along SW Elwert Road because it is an arterial.

The proposal has designed the most efficient transportation connections, and cannot form a typical block because of existing topography, and street designations that are access controlled on both sides of the development. This standard is met to the extent feasible by the proposed development. It should also be noted that the applicant is providing an emergency access and pedestrian access onto SW Elwert in an effort to mitigate for their inability to meet the block length standards along SW Elwert and SW Copper Terrace.

**16.106.020.C. Underground Utilities**

**All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

The applicants narrative is silent to this requirement, but they have proposed proposing underground water, sanitary and sewer facilities. These will be stubbed to the individual lots prior to issuance of building permits. While the proposed plans do not show overhead power lines it is not clearly addressed in the application as to what their intent is for providing power.

**FINDING:** Overhead utilities are required to be undergrounded with future improvements. PGE, the service provider did not provide any comments on the development to suggest that the line couldn't be placed underground, therefore, the following condition is warranted.

**RECOMMENDED CONDITION:** Prior to issuance of building permits, all public and private utilities shall be underground unless the utility provider has determined that the lines are too large to place underground.

**16.106.020. D. Additional Setbacks**

Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.

|    | Classification           | Additional Setback |
|----|--------------------------|--------------------|
| 1. | Principle Arterial (99W) | 61 feet            |
| 2. | Arterial                 | 37 feet            |
| 3. | Collector                | 32 feet            |
| 4. | Neighborhood Route       | 32 feet            |
| 5. | Local                    | 26 feet            |

**FINDING:** SW Elwert Road is an arterial and SW Copper Terrace is a neighborhood route; therefore, the lots fronting on to these two rights-of-way could be subject to this standard. However, neither the County or City staff have indicated that the additional setback is warranted since the prescribed amount of right-of-way is proposed to be dedicated. This criterion is not applicable to the proposed development.

**16.106.040 Design**

Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood Transportation System Plan, and City of Sherwood's Engineering Design Manual.

**FINDING:** The applicant shows the proposed street cross sections. The applicant shall provide street design and pavement dimension to the Engineering Department prior to public improvement plan approval as conditioned below.

**RECOMMENDED CONDITION:** Prior to public improvement plan approval, submit standard cross sections showing street design and pavement dimensions to the Engineering Department per the City of Sherwood Transportation System Plan, and City of Sherwood's Engineering Design Manual

**16.106.040.A. Reserve Strips**

**Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.**

**FINDING:** Washington County has requested that a reserve strip be provided along SW Elwert Road to manage access onto SW Elwer Road. Compliance with the Washington County proposed conditions of approval will satisfy this criteria.

#### **16.106.040.B. Alignment**

**All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.**

**FINDING:** The proposed street access is located over 150 from the nearest street intersection. Street offsets of less than 100 feet are not proposed; therefore, this standard is met.

#### **16.106.040.C. Future Extension**

**Where necessary to access or permit future subdivision or development of adjoining land, streets shall extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length shall comply with the Engineering Design Manual.**

**A durable sign shall be installed at the applicant's expense. The sign shall notify the public of the intent to construct future streets. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."**

The preliminary plat illustrates four locations where internal streets will be terminated at adjacent property lines. The applicant's narrative was silent to this requirement, and there has been a request from an adjacent neighbor that this provision be enforced. The department always enforces this provision, and the standard can be satisfied as conditioned.

**FINDING:** As discussed above the standard has not been met but it can be as conditioned below.

**RECOMMENDED CONDITION:** Prior to Public Improvement Plans approval, show that signs and barriers will be installed at the terminus' of E street, both ends of D street, and C street where these streets terminate at an adjacent private property line.

**RECOMMENDED CONDITION:** Prior to issuance of building permits, install a sign (at the applicant's expense), notifying the public of the intent to construct the future street extension of SW Nursery Way. The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."

#### **16.106.040.D. Intersection Angles**

**Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.**

**FINDING:** The proposed streets intersect as near to ninety (90) degree angles as practical given the topography. This standard is met.

#### **16.106.040.E. Cul-de-sacs**

- 1. All cul-de-sacs shall be used only when exceptional topographical constraints, existing development patterns, or compliance with other standards in this code preclude a street extension and circulation. A cul-de-sac shall not be more than two hundred (200) feet in length and shall not provide access to more than 25 dwelling units.**
- 2. All cul-de-sacs shall terminate with a turnaround in accordance with the specifications in the Engineering Design Manual. The radius of circular turnarounds may be larger when they contain a landscaped island, parking bay in their center, Tualatin Valley Fire and Rescue submits a written request, or an industrial use requires a larger turnaround for truck access.**
- 3. Public easements, tracts, or right-of-way shall provide paved pedestrian and bicycle access ways at least 6 feet wide where a cul-de-sac or dead-end street is planned, to connect the ends of the streets together, connect to other streets, or connect to other existing or planned developments in accordance with the standards of this Chapter, the TSP, the Engineering Design Manual or other provisions identified in this Code for the preservation of trees.**

The proposed development does not provide for any cul-de-sacs.

**FINDING:** This standard not applicable to the proposed development.

#### **16.106.040.F. Grades and Curves**

**Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.**

**FINDING:** The proposed street grades comply with the Engineering Design Manual. This standard is met.

#### **16.106.040.G. Streets Adjacent to Railroads**

**Streets adjacent to railroads shall run approximately parallel to the railroad and be separated by a distance suitable to allow landscaping and buffering between the street and railroad. Due consideration shall be given at cross streets for the minimum distance required for future grade separations and to provide sufficient depth to allow screening of the railroad.**

**FINDING:** The proposed development is not located adjacent to a railroad; therefore, this standard is not applicable.

#### **16.106.040.H. Buffering of Major Streets**

Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties shall be provided and through and local traffic shall be separated and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.030, and all applicable access provisions of Chapter 16.96, shall be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.

The applicant has proposed a visual corridor along SW Elwert Road. SW Elwert Road is designated an arterial, which requires at least a 15 foot visual corridor. In most cases, the landscaped visual corridor will exceed the required 15-feet along SW Elwert.

**FINDING:** This standard is met as discussed above.

#### **16.106.040 .J. Transit Facilities**

Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:

1. Locate buildings within 20 feet of or provide a pedestrian plaza at major transit stops.
2. Provide reasonably direct pedestrian connections between the transit stop and building entrances on the site.
3. Provide a transit passenger landing pad accessible to disabled persons (if not already existing to transit agency standards).
4. Provide an easement or dedication for a passenger shelter and underground utility connection from the new development to the transit amenity if requested by the public transit provider.
5. Provide lighting at a transit stop (if not already existing to transit agency standards).

**FINDING:** The proposed development is not along an existing or proposed transit facility; therefore, this standard is not applicable.

#### **16.106.040.K. Traffic Controls**

1. An application for a proposed residential development that will generate more than an estimated 200 average daily vehicle trips (ADT) must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.
2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.



The applicant has provided a traffic impact analysis from a qualified professional, Chris Brehmer, P.E. of Kittelson and Associates. The proposed development is expected to generate approximately 340 additional weekday trips. Therefore, the analysis was justified. The report did not indicate that the proposed development would trigger the need for any additional mitigation beyond what was being proposed.

**FINDING:** Since a traffic study was provided, this criterion is satisfied by the applicant.

**16.106.040 .M.2. Roadway Access**

No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.

**a. Local Streets:**

Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.

**c. Collectors:**

All commercial, industrial and institutional uses with one-hundred-fifty (150) feet or more of frontage will be permitted direct access to a Collector. Uses with less than one-hundred-fifty (150) feet of frontage shall not be permitted direct access to Collectors unless no other alternative exists.

Where joint access is available it shall be used, provided that such use is consistent with Section 16.96.040, Joint Access. No use will be permitted direct access to a Collector within one- hundred (100) feet of any present Point "A." Minimum spacing between driveways (Point "C" to Point "C") shall be one-hundred (100) feet. In all instances, access points near an intersection with a Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than one hundred (100) feet.

Both the City and County Engineering Divisions have reviewed the access spacing for the proposed development, and the proposed dedications and frontage improvements, and concur that the development can comply with the above standards provided they meet their .

**FINDING:** The proposed development complies with these standards.

#### **16.110 - Sanitary Sewers**

**Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Sanitary Sewers shall be constructed, located, sized and installed at standards consistent 16.110.**

The applicant is proposing to tie into an existing 15-inch sanitary sewer line that is located in SW Copper Terrace, and extend it to SW Elwert Road. The applicant and staff have discussed these improvements, and the applicant will receive SDC credits based on the cost difference in pipe width between an eight inch line and a 15-inch line. The applicant can feasibly comply with this standard as proposed.

**FINDING:** This criterion is satisfied.

#### **16.112- Water Supply**

**Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development in compliance with 16.112.**

The applicant is proposing to tie into an existing 8-inch water line that is located in SW Copper Terrace, and tie that in to a new 12-inch waterline that the applicant is required to install along the sites frontage with SW Elwert road. Staff has discussed these improvements with the applicant, and has indicated that the applicant will receive SDC credits based on the cost difference in pipe width between an eight inch line and the 12 inch line. The applicant can feasibly comply with this standard as proposed.

**FINDING:** This criterion is satisfied.

#### **16.114 - Storm Water**

**Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage system consistent with the Comprehensive Plan, the requirements of the Clean Water Services water quality regulations and section 16.114.**

The applicant is proposing to capture the stormwater in a series of pipes and convey the water to an existing facility to the north. The County has indicated that the applicant is also required to provide a treatment facility for the additional impervious surface constructed with the SW Elwert improvements. The applicant has discussed the option of paying a fee in lieu of providing the facility if the County and CWS allow for it. City staff has indicated that they would accept that option provided it was allowed. All treated water will be discharged into an existing drainageway. Clean Water Services (CWS) and the City of Sherwood Engineering division have indicated that the final design stormwater design must satisfy the design and construction standards of CWS.

**FINDING:** The applicant must comply with the CWS service provider letter 13-000287 and design and construct the facilities in compliance with CWS design and construction standards. Since CWS will not sign off on the plat unless the engineering and construction comply with these standards, an additional

condition is not warranted. The application can feasibly comply with this standard.

**16.116.010 - Fire Protection**

When land is developed so that any commercial or industrial structure is further than 250 feet or any residential structure is further than 500 feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety. In addition capacity, fire flow, access to facilities and number of hydrants shall be consistent with 16.116.020 and fire district standards.

**16.116.020 Standards**

**A. Capacity**

All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.

**B. Fire Flow**

Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty (20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.

**C. Access to Facilities**

Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.

**D. Hydrants**

Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.

TVFR has reviewed this application for compliance with their standards, and provided written comments to ensure that the development complies with the

applicable standards of the Fire Code. The applicant must satisfy these standards in order to obtain final plat approval. Upon review, it doesn't appear compliance will result in changes to the plat and the proposal is feasible.

**FINDING:** The districts comments do not point out any deficiencies with the proposed development. The applicant will be required to satisfy the districts standards for final plat approval.

**RECOMMENDED CONDITION:** Prior to final plat approval, the applicant shall provide the City a set of engineered construction plans that demonstrate compliance with the TVFR district standards for fire protection.

**16.118.020 – Public and Private Utilities Standard**

- A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, Chapter 7 of the Community Development Code, and applicable utility company and City standards.**
- B. Public utility easements shall be a minimum of eight feet in width unless a reduced width is specifically exempted by the City Engineer.**
- C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property (ies).**
- D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.**
- E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.**
- F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.**

The applicants preliminary development plans provide the location of future utilities and the Engineering Division has indicated that easements are required along all lots that are adjacent to a street right of way. It is feasible for the proposed development to satisfy the above criteria provided the development constructs according to plan.

**FINDING:** As proposed, the application complies with the above standards.

**16.128.010 - Blocks**

**A. Connectivity**

**1. Block Size**

**The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.**

This preliminary subdivision request includes five new internal streets. All of the streets have been stubbed to adjacent underdeveloped properties to provide future access; however, the proposed street pattern is designed in a manner that is intended to control access and preserve the existing school access in its current location. The proposed street layout is adequate to serve this subdivision.

**FINDING:** This standard is met as discussed above.

## **2. Block Length**

**Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.**

The block length interior to the site is approximately 1,080 feet, and access limitations onto SW Copper Terrace and SW Elwert Road dictate the location of future connections onto those rights-of-way. Streets have been stubbed to adjacent properties to ensure that future development patterns to the north and south of the site will continue to form more traditional blocks; however, they will also be limited by the same access limitations on SW Copper Terrace and SW Elwert Road.

**FINDING:** In an effort to provide the circulation that is in the interest of meeting this standard, the interior block satisfies the requirements, and a pedestrian access is provided to SW Elwert Road through Tract A to mitigate for the inability to tie into the street with vehicular traffic. This standard is satisfied.

## **1. Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.**

**FINDING:** Paved sidewalks will be provided along all proposed streets. This standard is met.

**B. Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.**

**FINDING:** The applicant has illustrated the locations of all required utilities, and has been conditioned to provide easements where utilities are located outside of public rights of way. This standard is met.

## **C. Drainages**

**Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming**

**substantially to the alignment and size of the drainage.**

**FINDING:** The applicant has proposed a vegetated corridor (Tract B) to protect the resource on the property that is located immediately north of the site. It will be dedicated to the City or an easement will be provided. The applicant has met this standard.

#### **16.128.020 - Pedestrian and Bicycle Ways**

**Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.**

The applicant has proposed sidewalks throughout the subdivision along the proposed streets. There is adequate circulation around the subdivision.

**FINDING:** This standard is met as discussed above.

#### **16.128.030 - Lots**

##### **A. Size and Shape**

**Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:**

- 1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.**

The lots appear to be appropriate for their location. As discussed in the zoning section of this report the dimensions standards have been met. The orientation and shape are acceptable. As proposed, there will be sewer, sanitary and water services available to each new lot created by this subdivision.

**FINDING:** This standard is met as discussed above.

##### **B. Access**

**All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68.**

**FINDING:** All proposed 36 lots abut one of the proposed public streets. This criterion is met.

##### **C. Double Frontage**

**Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.**

**FINDING:** Double frontage lots are proposed along SW Copper Terrace and SW Elwert Road. These lots are unavoidable given the access restrictions along these two rights of

way. A landscaped visual corridor is provided along SW Elwert Road, and a five foot landscape planter strip and eight foot wide sidewalk is required along SW Copper Terrace in order to mitigate for these double frontage lots.

**D. Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.**

**FINDING:** The side lot lines are acceptable all run at right angles to the street upon which they face. This criterion is met.

#### **E. Grading**

**Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:**

- 1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.**
- 2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.**

As proposed, it appears that the lots will conform to these standards. Final grading will be verified by the Engineering and Building Divisions prior to issuing site permits in compliance with the design and construction manual and Uniform Building Code.

**FINDING:** This standard is met as discussed above.

#### **E. Division VIII – Environmental Resources**

##### **16.142 – Parks and Open Space**

###### **16.142.030 Single-Family or Duplex Residential Subdivisions**

- A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. The following may not be used to calculate open space:**
  - 1. Required yards or setbacks.**
  - 2. Required visual corridors.**
  - 3. Required sensitive areas and buffers.**
  - 4. Any area required to meet a standard found elsewhere in this code.**
- B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.**
  - 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000**

linear feet, or 10,000 square feet, counts toward the open space requirement.

- C. The open space shall be conveyed in accordance with one of the following methods:
  - 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;
  - 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- D. The density of a single-family residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.
  - 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.
- E. If a proposed residential subdivision contains or is adjacent to a site identified as "parks" on the Acquisition Map of the Parks Master Plan (2006) or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.
- F. If the proposed residential subdivision does not contain or is not adjacent to a site identified on the Parks Master Plan map or otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.
- G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.
- H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current *Parks and Recreation System Development Charges Methodology Report*.

As indicated previously in this narrative, the applicant is proposing to either dedicate approximately 10,316 square feet of Lot 31 to open space, or to provide open space on an adjacent parcel with future development. The applicant has indicated that the decision will be made prior to submitting the final plat. This area will exceed the 5% required by the proposed development. It is not clear



whether or not the applicant intended to dedicate this land to the City of Sherwood.

**FINDING:** As discussed above, this standard can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Lot 31 to either the Homeowner's Association, or the City as open space unless another acceptable alternative for open space is provided.

**16.142.030.A Visual Corridors**

**A. Corridors Required**

New developments with frontage on Highway 99W, or arterial or collector streets designated on the Transportation Plan Map, attached as Appendix C, or in Section 5 of the Community Development Plan Part 2, shall be required to establish a landscaped visual corridor according to the following standards:

|    | Category    | Width   |
|----|-------------|---------|
| 1. | Highway 99W | 25 feet |
| 2. | Arterial    | 15 feet |
| 3. | Collector   | 10 feet |

In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. (Ord. 2006-021)

**B. Landscape Materials**

The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.142.050, shall be planted in the corridor by the developer. The improvements shall be included in the subdivision compliance agreement. (Ord. 2006-021)

**C. Establishment and Maintenance**

Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit. (Ord. 2006-021)

**D. Required Yard**

Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited or trees be removed from within the required visual corridor, with the exception of front porches on townhomes, as permitted in Section 16.44.010(E)(4)(c). (Ord. 2006-021)

The applicant has proposed a visual corridor along SW Elwert Road consistent with these provisions. In addition, the applicant has proposed to name the street trees and plantings in a later submittal. The 15 foot visual corridor may be provided between the back of the curb and the back yard of the lots with frontage onto SW Elwert Street, and may include the planter strip and sidewalk.

**FINDING:** This standard is not fully met, but it is feasible that the condition can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to issuance of building permits, consistent with the preliminary landscape plan, plant the visual corridor landscape materials or bond for the proposed planting. All landscape materials must be maintained by a Homeowner's Association.

#### **16.142.060. Street Trees**

##### **A. Installation of Street Trees on New or Redeveloped Property.**

Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.

1. **Location:** Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.
2. **Size:** Trees shall have a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall when planted.
3. **Types:** Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.142.080 of this Code.
4. **Required Street Trees and Spacing:**
  - a. The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.142.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.
  - b. All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.
  - c. A new development may exceed the forty-foot spacing requirement

under section b. above, under the following circumstances:

- (1) Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or
- (2) There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and
- (3) The street trees are spaced as close as possible given the site limitations in (1) and (2) above.
- (4) The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.
- (5) For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.

The applicant has indicated that street trees will be provided in accordance with the standards, but did not provide a plan, or indicate what the species or spacing would be. The code allows for the spacing of street trees to exceed the expected mature canopy of the street trees to accommodate driveways, street lights and other utilities when there are no other reasonable locations. As these lots develop, the street tree spacing may change. The final street tree spacing can be evaluated by the planning department prior to occupancy of each lot.

**FINDING:** The applicant has not shown a tree variety, or that the spacing requirement can be achieved. This standard can be met as conditioned below.

**RECOMMENDED CONDITION:** Prior to occupancy, provide a street tree plan showing all of the street trees meeting the spacing requirement after determining the location of the driveways in the subdivision.

**RECOMMENDED CONDITION:** Prior to occupancy, plant City approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall.

**16.142.070.D.2. - Trees on Property Subject to Certain Land Use Applications  
Required Tree Canopy - Residential Developments (Single Family Attached,  
Single Family Detached and Two – Family)**

Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.

The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.

The applicant is proposing to remove 30 trees that have been inventoried on site, by Gaston Portier, a licensed arborist in order to accommodate the development and associated infrastructure. The applicant has not submitted a preliminary tree planting plan that would achieve a 40 percent tree canopy as required by this section; therefore, this criterion is not satisfied, and the following condition is warranted.

**FINDING:** As discussed above, this standard is not met, and the following condition is warranted.

**RECOMMENDED CONDITION:** Prior to any site work, the applicant shall provide a tree plan and narrative that demonstrates compliance with section 16.142.070.D.2.

#### **16.156.020 – Energy Conservation**

- A. Building Orientation** - The maximum number of buildings feasible shall receive sunlight sufficient for using solar energy systems for space, water or industrial process heating or cooling. Buildings and vegetation shall be sited with respect to each other and the topography of the site so that unobstructed sunlight reaches the south wall of the greatest possible number of buildings between the hours of 9:00 AM and 3:00 PM, Pacific Standard Time on December 21st.
- B. Wind** - The cooling effects of prevailing summer breezes and shading vegetation shall be accounted for in site design. The extent solar access to adjacent sites is not impaired vegetation shall be used to moderate prevailing winter wind on the site.
- (Ord. 91-922 § 3)

**FINDING:** 14 of the 36 lots are oriented in a north/south direction to take advantage of solar heat and light. The proposed lots are all over 5,000 square feet. It appears that the orientation of the buildings and future vegetation will allow for energy conservation to the extent practical while preserving the properties ability to develop in a manner that provides for an efficient street standard and satisfy the density requirements. This standard is met.

#### **STAFF RECOMMENDATION**

Based upon review of the applicant's submittal information, review of the code, agency comments and consideration of the applicant's revised submittal, staff finds that the proposed subdivision does not fully comply with the standards but can be conditioned, as follows, to comply. Staff recommends approval of the application subject to the following conditions.

### **VI. CONDITIONS OF APPROVAL**

#### **A. General Conditions**

1. Compliance with the Conditions of Approval is the responsibility of the developer or its successor in interest.
2. Development and construction on the site shall conform substantially to the preliminary plat development plans submitted by HHPR Engineering and dated January 2013 except as modified in the conditions below, (and shall conform specifically to final construction plans reviewed and approved by the City Engineer, the Building Official, Clean Water Services, Tualatin Valley Fire and Rescue, and Washington County). All plans shall comply with the applicable building, planning, engineering and fire protection codes of the City of Sherwood.
3. The developer is responsible for all costs associated with any remaining public facility improvements and shall assure the construction of all public streets and utilities within and adjacent to the plat as required by these conditions of approval, to the plans, standards, and specifications of the City of Sherwood. The developer shall also provide to the City financial guarantees for construction of all public streets and utilities within and adjacent to the plat, as required by the engineering compliance agreement.
4. **This approval is valid for a period of two (2) years from the date of the decision notice.** Extensions may be granted by the City as afforded by the Sherwood Zoning and Community Development Code.
5. Placement of construction trailers on the subject property shall require a Temporary Use Permit per Section 16.86 of the SZCDC.
6. This approval does not negate the need to obtain permits, as appropriate from other local, state or federal agencies, even if not specifically required by this decision.
7. Retaining walls within public easements or the public right-of-way shall require engineering approval. Retaining walls with a height of 4 feet or higher located on private property will require a permit from the building department.
8. (wetlands, waterways and vegetation corridors) shall meet the standards of CWS and the requirements of the Service Provider Letter.

**B. Prior to issuance of grading or erosion control permits from the Building Department:**

1. Obtain Building Department permits and approval for erosion control and grading on private property and Engineering Department permits and approval for all grading in the public right of way.
2. Obtain a 1200C Erosion Control Permit through the Building Department for all the disturbed ground, both on and off site that is in excess of one acre in addition to meeting all CWS Design and Construction Standards. The

applicant shall follow the latest requirements from DEQ and CWS for NPDES 1200-C Permit submittals. A copy of the approved and signed permit shall be provided to the City prior to holding a pre-construction meeting or commencing any construction activity.

3. Any existing wells, septic systems and underground storage tanks shall be abandoned in accordance with Oregon state law, inspected by the City Plumbing Inspector and provide verification of such to the City Engineer.
4. A demolition permit shall be obtained from the Sherwood Building Department prior to demolishing or moving any structures.
5. Submit a geotechnical report to the Building Department if required by the Building Official.

**C. Prior to approval of the public improvement plans:**

1. Submit engineering plans for all public improvements and/or connections to public utilities (water, sewer, storm water, and streets) **to the Sherwood Engineering Department**. The engineering plans shall conform to the design standards of the City of Sherwood's Engineering Department, Clean Water Services, Tualatin Valley Water District, Tualatin Valley Fire & Rescue and other applicable requirements and standards.
2. Submit to the Engineering Department for review and approval a final stormwater report meeting design standards of both the City of Sherwood and Clean Water Services.
3. Prior to public improvement plan approval, submit standard cross sections showing street design and pavement dimensions to the Engineering Department per the City of Sherwood Transportation System Plan, and City of Sherwood's Engineering Design Manual
4. Submit public improvement plans that demonstrate the placement of all existing and proposed utilities underground
5. Submit the final plat for review to the Planning Department.
6. Prior to Public Improvement Plans approval, show that signs and barriers will be installed at the terminus' of E street, both ends of D street, and C street where these streets terminate at an adjacent private property line.
7. A maintenance access road shall be constructed within Tract "A" and shall have a 4-foot high by 20-foot wide double tubular barrier gate with a Knox Box a minimum of 30 feet back from intersecting roadways. The road within Tract "A" shall serve as an emergency access road meeting Tualatin Valley Fire and Rescue approval until such a time as the property to the south develops in a manner that eliminates the need for Tract "A" to be used as an

emergency vehicle access. Tract "A" shall be dedicated to the City of Sherwood. Turning movements into Tract "A" at both intersections shall meet Tualatin Valley Fire and Rescue requirements. Any modifications of the above standards require approval of the fire marshal and the City Engineer.

8. Prior to any site work, the applicant shall provide a tree plan and narrative that demonstrates compliance with section 16.142.070.D.2.
9. A Washington County facilities or right-of-way permit shall be required for any work within SW Elwert Road right-of-way. An Engineering Compliance Agreement is required for all on-site work outside of SW Elwert Road right-of-way.
10. Sherwood Resolution 2008-011 in accordance with SMC 13.24.100 requires the property owner to pay reimbursement for an equitable share for public facilities that were constructed for the benefit of this property prior to the development of the property. The reimbursement cost for this property is \$199,649.36 plus interest and a 1% administration fee. The applicant is not required to pay the 1% administration fee if it is determined that the fee is the responsibility of, or has already been paid by another entity.

**D. Prior to Approval of the Final Plat:**

1. The submittal by the applicant for final plat review and approval shall include but not be limited to the following: a final plat application; final plat review fee; narrative identifying how the required conditions of approval have or will be met; three copies of the final plat; and any other materials required to demonstrate compliance with the conditions of approval.
2. The final plat shall show the following:
  - a. The Community Development Director as the City's approving authority within the signature block of the final plat.
  - b. A 15-foot wide public utility easement for any areas where a single public utility line is located outside a public right-of-way with an increase of five (5) feet for each additional utility line.
  - c. Private access easements, utility easements and/or special use easements as required for the development of the site. A plat note shall reference an easement and maintenance agreement or similar document, to be recorded with the plat, for the joint maintenance of any common private utility lines, common driveway improvements, or other common amenity or perimeter fencing. The language of such plat note and associated document shall be reviewed and approved by the Planning Department.
3. Prior to final plat approval, the applicant shall provide the City a set of engineered construction plans that demonstrate compliance with the TVFR district standards for fire protection.

4. Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Tract A and B to the City of Sherwood.
5. All public easement dedication documents must be submitted to the City for review, signed by the City and the applicant, and recorded by the applicant with the original or a certified copy of the recorded easements on file at the City prior to release of the public improvement plans.
6. Submit verification of perpetual maintenance of the landscaped visual corridor.
7. Submit revised plans that provide adequate turning radius, hydrant location, fire flow, and adherence in compliance with TVF&R standards as verified by an acceptance letter from TVF&R.
8. The public improvement plans must be approved and bonded for prior to the City's approval of the final plat.
9. Satisfy the conditions of the comments submitted by Washington County dated March 28, 2013.
10. Prior to final plat approval, provide documentation, to be recorded with the plat, dedicating Lot 31 to either the Homeowner's Association, or the City as open space unless another acceptable alternative for open space is provided.

**E. Prior to Issuance of a Building Permit:**

1. Prior to issuance of any building permits, the public improvements must be complete and accepted by the City Engineer, and the final plat(s) must be recorded. An approval letter from the Engineering Department, accepting all public improvements, shall be issued prior to issuance of building permits.
2. Prior to issuance of building permits, all public and private utilities shall be underground unless the utility provider has determined that the lines are too large to place underground.
3. Prior to issuance of building permits, install a sign (at the applicant's expense), notifying the public of the intent to construct the future street extension of streets "C," "D," "E," and "F". The sign shall read as follows: "This road will be extended with future development. For more information contact the City of Sherwood at 503-625-4202."
4. Prior to issuance of building permits, consistent with the preliminary landscape plan, plant the visual corridor landscape materials or bond for the proposed planting. All landscape materials must be maintained by a Homeowner's Association.
5. Sherwood Broadband utilities shall be installed as per requirements set forth in City Ordinances 2005-017 and 2005-074.



**F. Prior to Final Occupancy of the Subdivision:**

1. All public improvements shall be competed, inspected and approved, as applicable, by the City, CWS, TVF & R, Public works and other applicable agencies.
2. Prior to occupancy, plant the approved street trees with a minimum trunk diameter of two (2) caliper inches which is measured six inches above the soil line and a minimum of six feet tall.
3. Prior to occupancy, provide a street tree plan showing all of the street trees meeting the spacing requirement after determining the location of the driveways in the subdivision.

**G. On-going Conditions**

1. Joint mailbox facilities shall be installed prior to the City signing the Letter of Acceptance for the development. Joint mailbox facilities must be installed per U.S. Postal Service's *"Developers' Guide to Centralized Box Units"*. The Developer shall provide a signed copy of the U.S. Postal Services *"Mode of Delivery Agreement"*. Submittal of this agreement shall be required prior to a pre-construction meeting taking place.
2. The developer shall coordinate location of garbage and recycling receptacles with Pride Disposal.
3. The continual operation of the property shall comply with the applicable requirements of the Sherwood Zoning and Community Development Code.
4. Comply with the Clean Water Services Service Provider Letter throughout the development of the site.
5. Dust shall be controlled within the development during construction and shall not be permitted to drift onto adjacent properties.
6. Noise shall be kept at the minimum level possible during construction. The developer shall agree to aggressively ensure that all vehicles working in the development shall have adequate and fully functioning sound suppression devices installed and maintained at all times.
7. All construction sites shall be maintained in a clean and sanitary condition at all times. Construction debris, including food and drink waste, shall be restricted from leaving the construction site through proper disposal containers or construction fencing enclosures. Failure to comply with this condition may result in a "Stop Work" order until deficiencies have been corrected to the satisfaction of the Community Development.

## **VII. Exhibits**

- A. Applicant's submittal with narrative and supporting documents
- B. E-mail from Renee Irish dated April 4, 2013
- C. E-mail from Jennifer Hulse dated April 12, 2013
- D. Letter from TVF&R dated April 4, 2013
- E. Letter from CWS dated March 26, 2013
- F. Engineering comments dated April 15, 2013.
- G. Comments from Washington County DLUT dated March 28, 2013.

**The preliminary plat approval is valid for a period of two (2) years from the date of the decision, per Section 16.120.050.**